

## 46 Am. Jur. 2d Judges § 48

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### Judges

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### VI. Privileges, Exemptions, and Disabilities

#### B. Practice of Law

## § 48. Practice of law by judges having relatively light duties

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  20, 21

### A.L.R. Library

[Propriety and permissibility of judge engaging in practice of law, 89 A.L.R.2d 886](#)

It is for a statute to distinguish between a judge's right to practice law where the judge's duties to the court consume all the judge's time and where they are relatively light and permit opportunities for other activities on the judge's part without detriment to the judge's public service.<sup>1</sup>

A special, substitute, acting, or pro tem judge of a court is generally not barred from the practice of law in the court,<sup>2</sup> except, in some jurisdictions, as to matters pending or originating in the court in which the judge served during the judge's term of office.<sup>3</sup> At least one jurisdiction distinguishes between a judge pro tempore having a continuing appointment with more or less permanent tenure of office and one whose appointment is limited to a particular trial or a short period of time; the former may not practice in the court until a reasonable time after such judge has served a connection with it; the latter is not precluded from practice in the court after the time at which the appointment expires.<sup>4</sup>

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### Footnotes

- 1 Connecticut Mut. Life Ins. Co. v. Most, 39 Cal. App. 2d 634, 103 P.2d 1013 (3d Dist. 1940); Reynolds v. Chumbley, 175 Tenn. 492, 135 S.W.2d 939 (1940).
- 2 Connecticut Mut. Life Ins. Co. v. Most, 39 Cal. App. 2d 634, 103 P.2d 1013 (3d Dist. 1940); Schuster v. Raflowitz, 245 A.D. 248, 281 N.Y.S. 379 (3d Dep't 1935).
- 3 Thomas v. Maxwell, 175 Ohio St. 233, 24 Ohio Op. 2d 344, 193 N.E.2d 150 (1963).
- 4 As to special and pro tem judges, generally, see §§ 232 to 252.  
In re Kenton County Bar Ass'n, 314 Ky. 664, 236 S.W.2d 906 (1951).

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